

AMENDED IN SENATE JULY 18, 1997
AMENDED IN ASSEMBLY JUNE 2, 1997
AMENDED IN ASSEMBLY MAY 27, 1997
AMENDED IN ASSEMBLY APRIL 21, 1997
AMENDED IN ASSEMBLY MARCH 31, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 131

Introduced by Assembly Member Ortiz

January 15, 1997

An act to amend Sections 12001 and 12071 of, and to add Section 12041 to, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 131, as amended, Ortiz. Firearms: theft or loss.

Existing law prohibits the carrying of a concealed firearm that is known, or reasonably believed, to be stolen. Existing law also requires that any firearm or other deadly weapon that has been taken into custody as a result of being stolen be restored to the lawful owner.

This bill would ~~provide that any person who fails to report the theft or loss of a~~ *require any person whose* pistol, revolver, or other firearm capable of being concealed upon the person *is stolen or irretrievably lost to report the theft or loss* to any local law enforcement agency of the city, county, or city and county in which the loss or theft occurred as soon as practical or as soon as the person is capable after the theft or loss has

occurred is guilty of an infraction. Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason. The bill would provide that any person who violates this provision is liable for a civil penalty not to exceed \$100.

Vote: majority. Appropriation: no. Fiscal committee: yes no. State-mandated local program: yes no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12001 of the Penal Code is
2 amended to read:

3 12001. (a) As used in this title, the terms “pistol,”
4 “revolver,” and “firearm capable of being concealed
5 upon the person” shall apply to and include any device
6 designed to be used as a weapon, from which is expelled
7 a projectile by the force of any explosion, or other form
8 of combustion, and which has a barrel less than 16 inches
9 in length. These terms also include any device which has
10 a barrel 16 inches or more in length which is designed to
11 be interchanged with a barrel less than 16 inches in
12 length.

13 (b) As used in this title, “firearm” means any device,
14 designed to be used as a weapon, from which is expelled
15 through a barrel a projectile by the force of any explosion
16 or other form of combustion.

17 (c) As used in Sections 12021, 12021.1, 12041, 12070,
18 12071, 12072, 12073, 12078, and 12101 of this code, and
19 Sections 8100, 8101, and 8103 of the Welfare and
20 Institutions Code, the term “firearm” includes the frame
21 or receiver of the weapon.

22 (d) For the purposes of Sections 12025 and 12031, the
23 term “firearm” also shall include any rocket, rocket
24 propelled projectile launcher, or similar device

1 containing any explosive or incendiary material whether
2 or not the device is designed for emergency or distress
3 signaling purposes.

4 (e) (1) For purposes of Sections 12041, 12070, 12071,
5 and subdivisions (b), (c), and (d) of Section 12072, the
6 term “firearm” does not include an unloaded firearm
7 which is defined as an “antique firearm” in Section
8 921(a)(16) of Title 18 of the United States Code.

9 (2) For purposes of Sections 12070, 12071, and
10 subdivisions (b), (c), and (d) of Section 12072, the term
11 “firearm” does not include an unloaded firearm that
12 meets both of the following:

13 (A) It is not a pistol, revolver, or other firearm capable
14 of being concealed upon the person.

15 (B) It is a curio or relic, as defined in Section 178.11 of
16 Title 27 of the Code of Federal Regulations.

17 (f) Nothing shall prevent a device defined as a
18 “pistol,” “revolver,” or “firearm capable of being
19 concealed upon the person” from also being found to be
20 a short-barreled shotgun or a short-barreled rifle, as
21 defined in Section 12020.

22 (g) For purposes of Sections 12551 and 12552, the term
23 “BB device” means any instrument which expels a
24 metallic projectile, such as a BB or a pellet, through the
25 force of air pressure, CO₂ pressure, or spring action, or
26 any spot marker gun.

27 (h) As used in this title, “wholesaler” means any
28 person who is licensed as a dealer pursuant to Chapter 44
29 (commencing with Section 921) of Title 18 of the United
30 States Code and the regulations issued pursuant thereto
31 who sells, transfers, or assigns firearms, or parts of
32 firearms, to persons who are licensed as manufacturers,
33 importers, or gunsmiths pursuant to Chapter 44
34 (commencing with Section 921) of Title 18 of the United
35 States Code, or persons licensed pursuant to Section
36 12071, and includes persons who receive finished parts of
37 firearms and assemble them into completed or partially
38 completed firearms in furtherance of that purpose.

39 “Wholesaler” shall not include a manufacturer,
40 importer, or gunsmith who is licensed to engage in those

1 activities pursuant to Chapter 44 (commencing with
2 Section 921) of Title 18 of the United States Code or a
3 person licensed pursuant to Section 12071 and the
4 regulations issued pursuant thereto. A wholesaler also
5 does not include those persons dealing exclusively in
6 grips, stocks, and other parts of firearms that are not
7 frames or receivers thereof.

8 (i) As used in Section 12071, 12072, or 12084,
9 “application to purchase” means any of the following:

10 (1) The initial completion of the register by the
11 purchaser, transferee, or person being loaned the firearm
12 as required by subdivision (b) of Section 12076.

13 (2) The initial completion of the LEFT by the
14 purchaser, transferee, or person being loaned the firearm
15 as required by subdivision (d) of Section 12084.

16 (3) The initial completion and transmission to the
17 department of the record of electronic or telephonic
18 transfer by the dealer on the purchaser, transferee, or
19 person being loaned the firearm as required by
20 subdivision (c) of Section 12076.

21 (j) For purposes of Section 12023, a firearm shall be
22 deemed to be “loaded” whenever both the firearm and
23 the unexpended ammunition capable of being
24 discharged from the firearm are in the immediate
25 possession of the same person.

26 (k) For purposes of Sections 12021, 12021.1, 12025,
27 12070, 12072, 12073, 12078, and 12101 of this code, and
28 Sections 8100, 8101, and 8103 of the Welfare and
29 Institutions Code, notwithstanding the fact that the term
30 “any firearm” may be used in those sections, each firearm
31 or the frame or receiver of the same shall constitute a
32 distinct and separate offense under those sections.

33 (l) For purposes of Section 12020, a violation of that
34 section as to each firearm, weapon, or device enumerated
35 therein shall constitute a distinct and separate offense.

36 (m) Pursuant to this title, any firearms eligibility
37 determination involving the issuance of any license,
38 permit, or certificate may include the submission of the
39 applicant’s fingerprints to the United States Federal
40 Bureau of Investigation.

1 SEC. 2. Section 12041 is added to the Penal Code, to
2 read:

3 12041. (a) ~~Any~~ *Commencing July 1, 1998, any person*
4 whose pistol, revolver, or other firearm capable of being
5 concealed upon the person is stolen or irretrievably lost
6 shall, as soon as practical or as soon as the person is capable
7 after the theft or loss has occurred, report the theft or loss
8 to any local law enforcement agency of the city, county,
9 or city and county in which the loss or theft occurred.

10 (b) Any person who violates this subdivision is ~~guilty~~
11 ~~of an infraction~~. *liable for a civil penalty not to exceed one*
12 *hundred dollars (\$100).*

13 (c) Any person who complies with subdivision (a) by
14 reporting the theft or loss of a pistol, revolver, or other
15 firearm capable of being concealed upon the person, shall
16 not incur any civil liability for illicit use or possession of
17 the firearm occurring after the report. This subdivision
18 shall not apply if the person had any knowledge of the
19 misconduct or was negligent with respect to the theft or
20 loss of the firearm.

21 (d) No charge may be imposed for submitting a report
22 pursuant to this section.

23 SEC. 3. Section 12071 of the Penal Code is amended
24 to read:

25 12071. (a) (1) As used in this chapter, the term
26 “licensee,” “person licensed pursuant to Section 12071,”
27 or “dealer” means a person who is among those recorded
28 in the centralized list specified in subdivision (e) and has
29 all of the following:

30 (A) A valid federal firearms license.

31 (B) Any regulatory or business license, or licenses,
32 required by local government.

33 (C) A valid seller’s permit issued by the State Board of
34 Equalization.

35 (D) A certificate of eligibility issued by the
36 Department of Justice pursuant to paragraph (4).

37 (E) A license issued in the format prescribed by
38 paragraph (6).

39 (2) The duly constituted licensing authority of a city,
40 county, or a city and county shall accept applications for,

1 and may grant licenses permitting, licensees to sell
2 firearms at retail within the city, county, or city and
3 county. The duly constituted licensing authority shall
4 inform applicants who are denied licenses of the reasons
5 for the denial in writing.

6 (3) No license shall be granted to any applicant who
7 fails to provide a copy of his or her valid federal firearms
8 license, valid seller's permit issued by the State Board of
9 Equalization, and the certificate of eligibility described in
10 paragraph (4).

11 (4) A person may request a certificate of eligibility
12 from the Department of Justice and the Department of
13 Justice shall issue a certificate to an applicant if the
14 department's records indicate that the applicant is not a
15 person who is prohibited from possessing firearms.

16 (5) The department shall adopt regulations to
17 administer the certificate of eligibility program and shall
18 recover the full costs of administering the program by
19 imposing fees assessed to applicants who apply for those
20 certificates.

21 (6) A license granted by the duly constituted licensing
22 authority of any city, county, or city and county, shall be
23 valid for not more than one year from the date of issuance
24 and shall be in one of the following forms:

25 (A) In the form prescribed by the Attorney General.

26 (B) A regulatory or business license that states on its
27 face "Valid for Retail Sales of Firearms" and is endorsed
28 by the signature of the issuing authority.

29 (C) A letter from the duly constituted licensing
30 authority having primary jurisdiction for the applicant's
31 intended business location stating that the jurisdiction
32 does not require any form of regulatory or business
33 license or does not otherwise restrict or regulate the sale
34 of firearms.

35 (7) Local licensing authorities may assess fees to
36 recover their full costs of processing applications for
37 licenses.

38 (b) A license is subject to forfeiture for a breach of any
39 of the following prohibitions and requirements:

1 (1) (A) Except as provided in subparagraphs (B) and
2 (C), the business shall be conducted only in the buildings
3 designated in the license.

4 (B) A person licensed pursuant to subdivision (a) may
5 take possession of firearms and commence preparation of
6 registers for the sale, delivery, or transfer of firearms at
7 gun shows or events, as defined in Section 178.100 of Title
8 27 of the Code of Federal Regulations, or its successor, if
9 the gun show or event is not conducted from any
10 motorized or towed vehicle. A person conducting
11 business pursuant to this subparagraph shall be entitled
12 to conduct business as authorized herein at any gun show
13 or event in the state without regard to the jurisdiction
14 within this state that issued the license pursuant to
15 subdivision (a), provided the person complies with (i) all
16 applicable laws, including, but not limited to, the waiting
17 period specified in subparagraph (A) of paragraph (3),
18 and (ii) all applicable local laws, regulations, and fees, if
19 any.

20 A person conducting business pursuant to this
21 subparagraph shall publicly display his or her license
22 issued pursuant to subdivision (a), or a facsimile thereof,
23 at any gun show or event, as specified in this
24 subparagraph.

25 (C) A person licensed pursuant to subdivision (a) may
26 engage in the sale and transfer of firearms other than
27 pistols, revolvers, or other firearms capable of being
28 concealed upon the person, at events specified in
29 subdivision (g) of Section 12078, subject to the
30 prohibitions and restrictions contained in that
31 subdivision.

32 A person licensed pursuant to subdivision (a) also may
33 accept delivery of firearms other than pistols, revolvers,
34 or other firearms capable of being concealed upon the
35 person, outside the building designated in the license,
36 provided the firearm is being donated for the purpose of
37 sale or transfer at an auction or similar event specified in
38 subdivision (g) of Section 12078.

1 (D) The firearm may be delivered to the purchaser,
2 transferee, or person being loaned the firearm at one of
3 the following places:

4 (i) The building designated in the license.

5 (ii) The places specified in subparagraph (B) or (C).

6 (iii) The place of residence of, the fixed place of
7 business of, or on private property owned or lawfully
8 possessed by, the purchaser, transferee, or person being
9 loaned the firearm.

10 (2) The license or a copy thereof, certified by the
11 issuing authority, shall be displayed on the premises
12 where it can easily be seen.

13 (3) No firearm shall be delivered:

14 (A) Prior to April 1, 1997, within 15 days of the
15 application to purchase a pistol, revolver, or other firearm
16 capable of being concealed upon the person, or, after
17 notice by the department pursuant to subdivision (d) of
18 Section 12076, within 15 days of the submission to the
19 department of any correction to the application, or within
20 15 days of the submission to the department of any fee
21 required pursuant to subdivision (e) of Section 12076,
22 whichever is later. Prior to April 1, 1997, within 10 days of
23 the application to purchase any firearm that is not a pistol,
24 revolver, or other firearm capable of being concealed
25 upon the person, or, after notice by the department
26 pursuant to subdivision (d) of Section 12076, within 10
27 days of the submission to the department of any
28 correction to the application, or within 10 days of the
29 submission to the department of any fee required
30 pursuant to subdivision (e) of Section 12076, whichever
31 is later. On or after April 1, 1997, within 10 days of the
32 application to purchase, or, after notice by the
33 department pursuant to subdivision (d) of Section 12076,
34 within 10 days of the submission to the department of any
35 correction to the application, or within 10 days of the
36 submission to the department of any fee required
37 pursuant to subdivision (e) of Section 12076, whichever
38 is later.

39 (B) Unless unloaded and securely wrapped or
40 unloaded and in a locked container.

1 (C) Unless the purchaser, transferee, or person being
2 loaned the firearm presents clear evidence of his or her
3 identity and age to the dealer.

4 (D) Whenever the dealer is notified by the
5 Department of Justice that the person is in a prohibited
6 class described in Section 12021 or 12021.1 of this code or
7 Section 8100 or 8103 of the Welfare and Institutions Code.

8 (4) No pistol, revolver, or other firearm or imitation
9 thereof capable of being concealed upon the person, or
10 placard advertising the sale or other transfer thereof, shall
11 be displayed in any part of the premises where it can
12 readily be seen from the outside.

13 (5) The licensee shall agree to and shall act properly
14 and promptly in processing firearms transactions
15 pursuant to Section 12082.

16 (6) The licensee shall comply with Sections 12073,
17 12076, and 12077, subdivisions (a) and (b) of Section
18 12072, and subdivision (a) of Section 12316.

19 (7) The licensee shall post conspicuously within the
20 licensed premises the following warnings in block letters
21 not less than one inch in height:

22 (A) "IF YOU LEAVE A LOADED FIREARM
23 WHERE A CHILD OBTAINS AND IMPROPERLY
24 USES IT, YOU MAY BE FINED OR SENT TO PRISON."

25 (B) "DISCHARGING FIREARMS IN POORLY
26 VENTILATED AREAS, CLEANING FIREARMS, OR
27 HANDLING AMMUNITION MAY RESULT IN
28 EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO
29 CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM,
30 AND OTHER SERIOUS PHYSICAL INJURY. HAVE
31 ADEQUATE VENTILATION AT ALL TIMES. WASH
32 HANDS THOROUGHLY AFTER EXPOSURE."

33 (C) "IF YOUR HANDGUN IS LOST OR STOLEN,
34 YOU NEED TO REPORT THE LOSS OR THEFT TO A
35 LAW ENFORCEMENT AGENCY AS SOON AS
36 PRACTICAL OR AS SOON AS YOU ARE CAPABLE."

37 (8) Commencing April 1, 1994, no pistol, revolver, or
38 other firearm capable of being concealed upon the
39 person shall be delivered unless the purchaser,

1 transferee, or person being loaned the firearm presents
2 to the dealer a basic firearms safety certificate.

3 (9) Commencing July 1, 1992, the licensee shall offer
4 to provide the purchaser or transferee of a firearm, or
5 person being loaned a firearm, with a copy of the
6 pamphlet described in Section 12080 and may add the
7 cost of the pamphlet, if any, to the sales price of the
8 firearm.

9 (10) The licensee shall not commit an act of collusion
10 as defined in Section 12072.

11 (11) The licensee shall post conspicuously within the
12 licensed premises a detailed list of each of the following:

13 (A) All charges required by governmental agencies
14 for processing firearm transfers required by Sections
15 12076, 12082, and 12806.

16 (B) All fees that the licensee charges pursuant to
17 Sections 12082 and 12806.

18 (12) The licensee shall not misstate the amount of fees
19 charged by a governmental agency pursuant to Sections
20 12076, 12082, and 12806.

21 (13) The licensee shall report the loss or theft of any
22 firearm that is merchandise of the licensee, any firearm
23 that the licensee takes possession of pursuant to Section
24 12082, or any firearm kept at the licensee's place of
25 business within 48 hours of discovery to the appropriate
26 law enforcement agency in the city, county, or city and
27 county where the licensee's business premises are
28 located.

29 (14) In a city and county, or in the unincorporated
30 area of a county with a population of 200,000 persons or
31 more according to the most recent federal decennial
32 census or within a city with a population of 50,000 persons
33 or more according to the most recent federal decennial
34 census, any time the licensee is not open for business, the
35 licensee shall store all firearms kept in his or her licensed
36 place of business using one of the following methods as to
37 each particular firearm:

38 (A) Store the firearm in a secure facility that is a part
39 of, or that constitutes, the licensee's business premises.

1 (B) Secure the firearm with a hardened steel rod or
2 cable of at least one-eighth inch in diameter through the
3 trigger guard of the firearm. The steel rod or cable shall
4 be secured with a hardened steel lock that has a shackle.
5 The lock and shackle shall be protected or shielded from
6 the use of a bolt cutter and the rod or cable shall be
7 anchored in a manner that prevents the removal of the
8 firearm from the premises.

9 (C) Store the firearm in a locked fireproof safe or vault
10 in the licensee's business premises.

11 (15) The licensing authority in an unincorporated area
12 of a county with a population less than 200,000 persons
13 according to the most recent federal decennial census or
14 within a city with a population of less than 50,000 persons
15 according to the most recent federal decennial census
16 may impose the requirements specified in paragraph
17 (14).

18 (16) Commencing January 1, 1994, the licensee shall,
19 upon the issuance or renewal of a license, submit a copy
20 of the same to the Department of Justice.

21 (17) The licensee shall maintain and make available
22 for inspection during business hours to any peace officer,
23 authorized local law enforcement employee, or
24 Department of Justice employee designated by the
25 Attorney General, upon the presentation of proper
26 identification, a firearms transaction record.

27 (18) (A) On the date of receipt, the licensee shall
28 report to the Department of Justice in a format
29 prescribed by the department the acquisition by the
30 licensee of the ownership of a pistol, revolver, or other
31 firearm capable of being concealed upon the person.

32 (B) The provisions of this paragraph shall not apply to
33 any of the following transactions:

34 (i) A transaction subject to the provisions of
35 subdivision (n) of Section 12078.

36 (ii) The dealer acquired the firearm from a
37 wholesaler.

38 (iii) The dealer is also licensed as a secondhand dealer
39 pursuant to Article 4 (commencing with Section 21625)

1 of Chapter 9 of Division 8 of the Business and Professions
2 Code.

3 (iv) The dealer acquired the firearm from a person
4 who is licensed as a manufacturer or importer to engage
5 in those activities pursuant to Chapter 44 (commencing
6 with Section 921) of Title 18 of the United States Code and
7 any regulations issued pursuant thereto.

8 (v) The dealer acquired the firearm from a person
9 who resides outside this state who is licensed pursuant to
10 Chapter 44 (commencing with Section 921) of Title 18 of
11 the United States Code and any regulations issued
12 pursuant thereto.

13 (c) (1) As used in this article, “clear evidence of his or
14 her identity and age” means either of the following:

15 (A) A valid California driver’s license.

16 (B) A valid California identification card issued by the
17 Department of Motor Vehicles.

18 (2) As used in this article, a “basic firearms safety
19 certificate” means a basic firearms safety certificate
20 issued to the purchaser, transferee, or person being
21 loaned the firearm by the Department of Justice pursuant
22 to Article 8 (commencing with Section 12800) of Chapter
23 6.

24 (3) As used in this section, a “secure facility” means a
25 building that meets all of the following specifications:

26 (A) All perimeter doorways shall meet one of the
27 following:

28 (i) A windowless steel security door equipped with
29 both a dead bolt and a doorknob lock.

30 (ii) A windowed metal door that is equipped with both
31 a dead bolt and a doorknob lock. If the window has an
32 opening of five inches or more measured in any direction,
33 the window shall be covered with steel bars of at least
34 one-half inch diameter or metal grating of at least nine
35 gauge affixed to the exterior or interior of the door.

36 (iii) A metal grate that is padlocked and affixed to the
37 licensee’s premises independent of the door and
38 doorframe.

39 (B) All windows are covered with steel bars.



1 (C) Heating, ventilating, air-conditioning, and service
2 openings are secured with steel bars, metal grating, or an
3 alarm system.

4 (D) Any metal grates have spaces no larger than six
5 inches wide measured in any direction.

6 (E) Any metal screens have spaces no larger than
7 three inches wide measured in any direction.

8 (F) All steel bars shall be no further than six inches
9 apart.

10 (4) As used in this section, “licensed premises,”
11 “licensed place of business,” “licensee’s place of
12 business,” or “licensee’s business premises” means the
13 building designated in the license.

14 (5) For purposes of paragraph (17) of subdivision (b):

15 (A) A “firearms transaction record” is a record
16 containing the same information referred to in Section
17 178.124a and subdivision (e) of Section 178.125 of Title 27
18 of the Code of Federal Regulations.

19 (B) A licensee shall be in compliance with the
20 provisions of paragraph (17) of subdivision (b) if he or she
21 maintains and makes available for inspection during
22 business hours to any peace officer, authorized local law
23 enforcement employee, or Department of Justice
24 employee designated by the Attorney General, upon the
25 presentation of proper identification, the bound book
26 containing the same information referred to in Section
27 178.124a and subdivision (e) of Section 178.125 of Title 27
28 of the Code of Federal Regulations.

29 (d) Upon written request from a licensee, the
30 licensing authority may grant an exemption from
31 compliance with the requirements of paragraph (14) of
32 subdivision (b) if the licensee is unable to comply with
33 those requirements because of local ordinances,
34 covenants, lease conditions, or similar circumstances not
35 under the control of the licensee.

36 (e) Except as otherwise provided in this subdivision,
37 the Department of Justice shall keep a centralized list of
38 all persons licensed pursuant to subparagraphs (A) to
39 (E), inclusive, of paragraph (1) of subdivision (a). The
40 department may remove from this list any person who

1 knowingly or with gross negligence violates this article.
2 Upon removal of a dealer from this list, notification shall
3 be provided to local law enforcement and licensing
4 authorities in the jurisdiction where the dealer's business
5 is located. The department shall make information about
6 an individual dealer available, upon request, for one of
7 the following purposes only:

8 (1) For law enforcement purposes.

9 (2) When the information is requested by a person
10 licensed pursuant to Chapter 44 (commencing with
11 Section 921) of Title 18 of the United States Code for
12 determining the validity of the license for firearm
13 shipments.

14 (f) The Department of Justice may inspect dealers to
15 ensure compliance with this article. The department may
16 assess an annual fee, not to exceed eighty-five dollars
17 (\$85), to cover the reasonable cost of maintaining the list
18 described in subdivision (e), including the cost of
19 inspections. Dealers whose place of business is in a
20 jurisdiction that has adopted an inspection program to
21 ensure compliance with firearms law shall be exempt
22 from that portion of the department's fee that relates to
23 the cost of inspections. The applicant is responsible for
24 providing evidence to the department that the
25 jurisdiction in which the business is located has the
26 inspection program.

27 (g) The Department of Justice shall maintain and
28 make available upon request information concerning the
29 number of inspections conducted and the amount of fees
30 collected pursuant to subdivision (f), a listing of
31 exempted jurisdictions, as defined in subdivision (f), the
32 number of dealers removed from the centralized list
33 defined in subdivision (e), and the number of dealers
34 found to have violated this article with knowledge or
35 gross negligence.

36 (h) Paragraph (14) or (15) of subdivision (b) shall not
37 apply to a licensee organized as a nonprofit public benefit
38 or mutual benefit corporation organized pursuant to Part
39 2 (commencing with Section 5110) or Part 3
40 (commencing with Section 7110) of Division 2 of the

1 Corporations Code, if both of the following conditions are
2 satisfied:

3 (1) The nonprofit public benefit or mutual benefit
4 corporation obtained the dealer's license solely and
5 exclusively to assist that corporation or local chapters of
6 that corporation in conducting auctions or similar events
7 at which firearms are auctioned off to fund the activities
8 of that corporation or the local chapters of the
9 corporation.

10 (2) The firearms are not pistols, revolvers, or other
11 firearms capable of being concealed upon the person.

12 ~~SEC. 4. No reimbursement is required by this act~~
13 ~~pursuant to Section 6 of Article XIII B of the California~~
14 ~~Constitution because the only costs that may be incurred~~
15 ~~by a local agency or school district will be incurred~~
16 ~~because this act creates a new crime or infraction,~~
17 ~~eliminates a crime or infraction, or changes the penalty~~
18 ~~for a crime or infraction, within the meaning of Section~~
19 ~~17556 of the Government Code, or changes the definition~~
20 ~~of a crime within the meaning of Section 6 of Article~~
21 ~~XIII B of the California Constitution.~~

22 ~~Notwithstanding Section 17580 of the Government~~
23 ~~Code, unless otherwise specified, the provisions of this act~~
24 ~~shall become operative on the same date that the act~~
25 ~~takes effect pursuant to the California Constitution.~~